

RICHARD A. ALTMAN
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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INTERSCOPE RECORDS *et al.*,

Plaintiffs,

Case No. 3:07-cv-00108 TJM/DEP

-against-

ORDER TO SHOW CAUSE

WILLIAM KIMMEL,

Defendant.

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Upon the declaration of Richard A. Altman, dated November 9, 2007 and the exhibits annexed, let plaintiffs show cause before this Court, at the Courthouse, New York on November , 2007 at 10 am, why an order should not be entered, pursuant to F.R.Civ.P. 41(a)(1), dismissing this action with prejudice on the ground that plaintiffs have three times before voluntarily dismissed actions on the same claim against the same defendant in three separate U.S. District Courts, pursuant to F.R.Civ. P. 41(d), awarding defendant costs for all four actions previously commenced against him, and a reasonable attorney's fee, pursuant to 17 U.S.C. § 505; and pursuant to F.R.Civ.P. 11(c)(1)(B), directing plaintiffs and/or their attorneys to show cause why an appropriate sanction should not be imposed, and for such other relief as may be just.

Papers in opposition to this motion shall be filed and served on or before November ,

2007, and defendant may file and serve reply papers on or before November , 2007.

Pending the hearing and determination of this motion, all discovery, including the defendant's deposition, is stayed.

Dated: November , 2007

U.S.D.J.